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Attorney for Defendant Santilli

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PETER SANTILLI,

Defendant.

Case No. 3:16-cr-00051-BR

**MOTION TO DISMISS COUNT 1 –
UNCONSTITUTIONALLY VAGUE
AS-APPLIED**

I. Certificate of Counsel

Counsel for Mr. Santilli conferred with AUSA Ethan Knight about this motion. The Government opposes the motion and the relief sought.

II. Motion

Pursuant to the Fifth Amendment to the Constitution, defendant Peter Santilli, through his attorney Thomas Coan, moves the Court for an order dismissing Count 1 against him for the reason that the charging statute, 18 U.S.C. § 372, is unconstitutionally vague as-applied. Santilli joins defendant Joseph O’Shaughnessy’s facial and overbreadth

challenges to 18 U.S.C. § 372, and he incorporates the applicable legal references set forth in that memorandum. Here, Santilli challenges the validity of § 372 as applied to his case, as the statute fails to set forth clear standards to protect people from arbitrary enforcement and it provides no notice prohibiting his particular conduct.

Dated this 27th day of April 2016.

Thomas K. Coan

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Attorney for Defendant Santilli